

Before the Board of Zoning Adjustment, D. C.

Application No. 12395 of Kettler Brothers, Inc., et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions as provided by Paragraph 3105.42 and Section 3307 to permit construction of single-family row houses in the R-5-A and R-5-B Districts at 4280-4296 and 4300 Massachusetts Avenue, N.W., and 4301-4331, 4302-4320, 4376-4383, 4400-4454, 4401-4461 Westover Place, N.W., (Square 1601, Lot 802 and 818).

HEARING DATE: April 26, 1977

DECISION DATE: June 7, 1977

FINDINGS OF FACT:

1. The property involved in this application is zoned R-5-A and R-5-B. While technically, the land in the R-5-B Zoning District is not subject to the requirements of Paragraph 3105.42 or Section 3307, since the development within the two zones is interrelated, the applicant presented, discussed and described the entire site plan.

2. The property contains a total of c. 8.1 acres and is located between Massachusetts Avenue and New Mexico Avenue north of a tract of land approved by the Zoning Commission for a planned unit development generally referred to as "Foxhall" and south of an American University parking lot which has frontage on Nebraska Avenue. Site plan approval is required under Paragraph 3105.42 and Section 3307 of the Zoning Regulations because the development is other than single family detached and/or semi-detached homes. No variances of any type are sought in this application.

3. The proposed development consists of a total of 149 houses to be used for single family purposes constructed in groups of dwellings which are deemed single buildings under Section 3307. The proposal calls for eleven groups of buildings.

4. The property has approximately 377 linear feet of frontage on Massachusetts Avenue and approximately 87 feet of frontage on New Mexico Avenue. The property is presently unimproved. The proposed development calls for fee simple sales of houses and lots and the development will meet the minimum standards for R-5-A development.

5. The developments call for a density of approximately 18.3 dwelling units per acre and an average land area per unit of approximately 2,375 square feet. The lot occupancy of the proposal is approximately 30% to 32%. The details of compliance with the R-5-A District are set forth in the memorandum from the Building and Zoning Regulation Administration dated February 18, 1977.

6. The applicant meets the requirements of Paragraph 3105.42 as follows:

(a) The application was referred to the District of Columbia Board of Education for comment and recommendation. The Board of Education found no objection to the project in terms of school capacities. However, the School Board indicated that, in its view, careful planning should be undertaken in light of the total development potential of the area.

(b) The Department of Transportation has reviewed the application and has indicated that the development under consideration will not have any significant impacts from a traffic standpoint. The Department of Transportation specifically noted that the density proposed is far below the density which would be permitted on the site, especially in the R-5-B District. The witness from the Department of Transportation testified at public hearing that while there were areas of traffic congestion, the Kettler Brothers development is not expected to cause any significant problem.

(c) The Department of Environmental Services, through a witness at public hearing, indicated that public utilities, including storm water drainage, are adequate for the project and the potential development of the area, if connections can be made to a storm sewer in Massachusetts Avenue.

(d) The Department of Housing and Community Development filed a report in which it recommended favorably on the concept of new housing for the area but raised certain objections concerning the location of a portion of the project located in the R-5-B District. The Department by letter dated May 9, 1977 upon amendments to the plan by Kettler Brothers, in accordance with the site plan filed with the Board, indicated that their objections had been satisfied.

(e) The Municipal Planning Office has filed a report recommending approval of the project with conditions that speed bumps be provided in appropriate locations and that the developer identify stages for development. The Kettler Brothers, through witnesses, indicated that speed bumps would be installed on the interior streets and also indentified the construction stages for the record.

(f) The applicant has met all the filing requirements with regard to plans and the site plan as revised in accordance with suggestions of the various agencies and departments as a matter of record.

7. The application complies with Section 3307 in that: all buildings in each of the eleven groups will be erected simultaneously; all front entrances of such groups abut front yards; no rear or service entrance abut a street, front yard or front court; any exterior stairways constructed above the level of the joist of the main floor will be calculated in building area; the property will not be subdivided from the single record lot, although theoretical sites around each group of buildings are shown as calculated by the Zoning Regulation, Zoning Division Administration. Adequate fee access will be provided through a Homes Association as shown on the plans submitted with the application. Adequate yards, courts, light and air will be provided and no variances from the Zoning Regulations or Building Code are sought. Further, all groups of buildings comply with the height requirements of the R-5-A District, and the provisions of Sections 3307.17, 3307.18, 3307.19 and 3307.110 have been met.

8. The proposed 149 townhouses, as previously indicated, will be sold on individual lots and will include a private fenced yard on each lot with common space for sidewalks, streets, and other property being owned by Homes Association. Each purchaser would become an automatic member of the Association and hold an undivided interest in all the common property. There will be cross easements for sewer, water, electric, storm sewer and street lights.

9. The proposal calls for extensive landscaping around the site. Of the open space on the site approximately 70% is devoted to rear yards, side yards, courts, grass areas, etc.

10. The houses will be three stories plus an unfinished cellar and they are expected to have between 2,000 and 2,300 square feet of finished space. Approximately 80% to 90% of the units are expected to be three-bedroom units with the remainder being four-bedrooms convertible to three-bedrooms if there is no market for the larger number.

11. The project has excellent access to public transportation and major arterials of Massachusetts Avenue and New Mexico Avenue. Walkways are provided within the project to provide access to the bus stops. The Department of Transportation through a witness at hearing, indicated that with the advent of the Tenley Circle Metro stop opening, public transportation is expected to substantially improve traffic conditions, including the use of bus feeder systems.

12. Each of the buildings to be sold will have its own individual rear yard patio and balconies. Under the multi-building construction, a front yard is also provided in meeting the open space requirements where a group of buildings does not front on a public street. This results in added open space to the development. The yards meet or exceed the requirements of the respective zoning districts.

13. The expected number of vehicular trips from the project would be 43 trips out and 19 trips in during the morning peak hour and 20 trips out and 58 in during the evening peak hour. At the heaviest area of traffic during peak hours, at Nebraska Avenue approaching Ward Circle, the Kettler Brothers would have an insignificant increase.

14. Parking for the project under the Zoning Regulations is required to be provided at the rate of one space per dwelling unit in the R-5-A District and one space for each two dwelling units in the R-5-B District. The applicant provides an overall parking space ratio of 1.56 for a total of 232 spaces.

15. With regard to recreation areas for the residents of the development, each building will have its own private yard space including rear yards that meet or exceed the minimum requirement, front yards equal or exceeding the rear

yard requirements are provided as well as other open areas. Approximately three acres of the site will be open in a natural state. Additionally, the Archibald Glover Park and the Children's Playground at New Mexico and Newark are in close proximity to the site.

16. There is no opposition to this application. However, Advisory Neighborhood Commission 3-D has recommended certain conditions which have been agreed upon by the applicants. These include the following:

(a) That the proposed homes be used for single family purposes.

(b) That the private roadway through the site not be open to the general public.

(c) That the applicant install speed bumps to deter traffic from using the private roadway as a shortcut through the site from New Mexico to Massachusetts Avenue.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the applicant has met all the requirements of Paragraph 3105.42 and Section 3307 of the Zoning Regulations as a special exception under Sub-Section 8207.2 of the Zoning Regulations. The site plan provided was duly referred to the departments and agencies specified in Paragraph 3105.42 with no objection to the approval of the project except as has been met by the applicant. The plans provide new housing in the District of Columbia in a manner which will be compatible with the surrounding neighborhood. The density provided is far below the density permitted in the R-5-A and R-5-B zoning districts. Ample open space, private recreation area and landscaping are provided on the site. The groupings of the buildings have been laid out in a way to give maximum use of interior open space. See particularly report of Municipal Planning Office, page three. The site plan meets the specific and individual criteria set forth in Paragraph 3105.42 and Section 3307. Additionally, the Board finds that the project will be in harmony with the general intent and purposes of the Zoning Regulations and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. It is therefore ORDERED

that the above application be and the same is hereby GRANTED subject to the following CONDITIONS:

(1) The applicant shall execute and record a covenant, in terms acceptable to the Corporation Counsel of the District of Columbia, enforceable by the D. C. Government, any home owner in the subject development, the parties to this proceeding, and any affected nearby property owner, limiting use and occupancy of the subject structures to that of single-family dwellings, and barring use as flats or other type of multi-unit occupancy.

(2) The applicant shall install in the private roadways throughout the development, bumps to inhibit speeding, which bumps shall be adequate in number to deter traffic from using the private roadways in the development as a means of through-access from New Mexico to Massachusetts Avenues, and vice versa.

(3) The applicant shall construct a sign at the New Mexico Avenue and the Massachusetts Avenue entrances to the private roadways through the subject development (consonant in design with the style of this traditional housing development) giving notice that the property and roadway are privately owned and that the roadway and property are opened only to home owners, residents, and guests and invitees.

(4) The Applicant shall pay the cost of extending the storm sewer pipe as determined to be necessary by the D. C. authorities north along Massachusetts Avenue to the Westover Place driveway entrance to the development.

VOTE:


3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants, Esq. to grant, Lilla Burt Cummings, Esq. not present not voting).

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 24 JUN 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFETR THE EFFECTIVE DATE OF THIS ORDER.